G. R. S. IX-5]

Previous references.

Ch Pol 141-11(1-3)

1916-17

([redacted])

File No. 103-17

Serial Nos. 1 to 14

Later references.

CG 225-17 XII 14

Ch 12278(1-2)

Prote Dep R 2962-18

Legis 41-20(1-2)

Ch 22-23(1-2)

" 119-23(1-6)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 14

Part B for January 1918.

SUBJECT.

Execution of warrants under the Breach of contract Act, through the Labour Deptt. of the united Planter's Association.

---

14) To The District Magistrate
" I. G of Police
No J 2736-44 Dt 22-1-1918
Forwards the extract for information

W D 88—GPB—50,000—24-7-18

Md Abdur Rahman
7-6-1918

G. R. S. 11] 1916.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 103-16

FILE HEADING.

Execution of warrants under the Breach of Contract Act, through the Labour Deptt of the United Planters' Associati

From

No.	Dated	Received
Diary No.	Enclos. Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

P.T.O

NOTES—First Sheet.

Dhrawn over

The desirability of issuing
answer here on the lines of the Madras
Mrs 120-16 Govt. Go may be examined & acted
upon:
AS III

Draft
21/7
21/7

2) The procedure newly prescribed in Madras is that warrants for the arrest of absconding labourers issued under Act XIII of 1859 and the Madras Planters Labour Act, 1903 should, if so required by complainants, be executed through the Labour Department of the United Planters Association of Southern India. The Magistrate issuing the warrant has to send it to the Dy Director of the Deptt. at Coimbatore who has to send it to the Dist Supt of Police concerned with a request to endorse it to the Station House Officer in whose limits the accused is reported to be. The warrant is ordinarily sent by the hand of an agent of the Deptt. who assists in the identification and arrest of the accused. If the accused is found to be in the limits of an adjoining station the Station House officer himself can endorse the warrant to the officer in charge of that station thus avoiding the delay in transferring the warrant through the regular channel.

3) The Planters Labour Act, 1903, has not yet been introduced into Mysore and therefore the execution of warrants under Act XIII 1859

requires nothing which may be done from two stand points.

4) 1. Execution of warrants issued by Magistrates outside Mysore.

5) These have to be executed in Mysore under the arrangements made by the late Chief Comm^{r} in 1879. The warrants have to be sent by post either to the DC or Taluk Magistrate concerned who has apparently to arrange for its execution through the agency of the Police. In practice the warrants appear to have been sent to the DC Magistrates only. In 1898 a modification was ordered that where a process was sent with a mandate for delivery it may be sent direct to the Taluk Magistrate instead of to the DC Magistrate. In 1900 on a complaint of the non execution of these warrants the desirability of the complainant being required to send an agent to assist the police was pointed out.

SORO 8761 | Jul 12 dt 21.1.1879 Flag W

7

Para 4 of Preamble Flag E

6) 2. Execution of warrants issued by Magistrates in Mysore.

7) There are no references to show how these are dealt with but it is presumed they are treated as other criminal processes and executed by the Police.

8) If an order on the lines of the

issued in Madras is to be passed in Impore
it seems necessary to ascertain from the D. Cs of
planting dts if the planting community would
welcome the change and the Planters Association
arrange for the ~~easy~~ easy execution of the warrants by
deputing an agent when required.

Subd
1.8.16

9) So far as the warrants issued under the
Breach of Contract Act by British Indian
magistrates are concerned, the difficulties
referred to in the Madras Rs do not arise
here. In accordance with the agreement between
the two Govts, Such warrants may be
Sent direct to the ruling magistrate concerned,
and there will be no difficulty as the magistrate
endorses directly to the Police officer and may endorse
the warrant to the mairiy who brings it. Similar
it is not clear ~~from the representation~~ what
difficulty is actually felt in this method of service
As regards the warrants issued by the magistrate
of the State for arresting labourers in the State, ~~of Mysore~~
S. 83 Cr. P. code applies to the case, and perhaps
the difficulties pointed out in the Rs. may arise.
But it may be ascertained if ~~many~~ many cases, ~~the difficulties~~
have actually arisen, and the ~~Govt~~ Planters' Assn

(6)

A | and the District Magistrate consulted before any changes made. There seems to be technical objection to adopting the procedure here also temporarily. The results of the experiment in Madras may perhaps be ascertained at the end of the year, and if absolutely necessary, similar procedure may also be decided to be adopted here.

Yours faithfully,

EB
13/9

2248
14-9-46

Secondment)

(a) A. Thus may be done

14/15/9/46

(b) draft 15/9

P.T.O.

J658

(7

G. R. S. 12]

General and Revenue Secretariat. | C5 File No. 103 of 1916.

Serial No. 1. From the 7. A. Resident. No 65828 16.9.16 Madras

Forwards copies of Govt orders on the Subject of transmission of warrants under the Workmen's Breach of Contract Act & Planters' Labour Act and enquires if there is any objection to the warrants being sent thro' the Labour Deptt of the H. P. A. S. I instead of to the Police direct

12 Submits with a draft enquiring about the pt raised in the above as also according to para 4 Supra. May the D.G. of Police be also addressed

Sd 20.10.16

15 June. The matter should have been treated as immediate.

J

Sub A

2 To the Secretary to Govt 19[illegible]

The D. G. of Police

No J 1381-9 26-10-1916

Enquires if there is any objection to the warrants being sent through the Labour Deptt of the H. P. A. S. I instead of the Police direct.

3 From The D. C. Shimoga

No H. C. 155 Judl. 31-10 / 3-11 -1916

States that there can be no objection to warrants being sent through the Labour Deptt.

4 From The D. C. Mysore

No. 30 Judl. 1/4 - 11-1916

(8

G. R. S. 12]

General and Revenue Secretariat. | Cb. File No. 103 of 1916.

Serial No.

States that there can be no objection to adopting the procedure and that the same may also be adopted in the case of warrants issued by the Magistrates in Mysore, if the complainants at whose instance they are issued so desire it.

5 From The D. M. Kolar

No. 572 3-11-16

States that he finds no objection in the matter of transmission of warrants and that similar procedure may be adopted in respect of warrants issued by Magistrates in Mysore and the Breach of Contract Act 1859.

6 From The D. M. Tumkur

No. 56 Judl. 8-11-1916

States that he does not approve of the proposed rules as they are liable to abuse and are likely to weaken the self-respect of the labouring classes and adds that if it is necessary that a reciprocity should be arranged for between the bordering British presidency and our State in the matter of service of warrants. As regards the introduction of the procedure in this State also, states that he is not in favour of the same.

7 From The D. C., Hassan.

No. 73/S 14-11-1916

States that this procedure is likely to lead to divided responsibility between the

NOTE—Contn. sheet.

G. R. S. 12]

General and Revenue Secretariat. | C5 File No. 103 of 1916.

Serial No.

officers of the Labour Deptt. and the police and also to a great deal of friction between the two, which is not considered desirable in the interests of the planting community

8 From The D. M. Kadur Dt.
No. H.O.C. 562 14-11-1916
States there is no objection to the order now proposed to be issued for the transmission of warrants.

9 From The D. M., Chitaldrug.
No. 139 $\frac{25}{26}$-11-1916
States that there is no objection to the procedure suggested so far as the warrants issued by Magistrates in the Madras presidency against Maistries and Labourers residing in the Mysore State and that similar procedure may also be adopted in Mysore.

10 From The D. M., Bangalore.
States that the object can well be achieved by the simpler method of instructing all Magistrates to hand over the warrants in such cases to the complainant himself or to some other person named by him, who might be an agent of the Labour Deptt. or anybody else, to be handed over to the police officer to whom the warrant is addressed; and the police officer then taking a person with him to help him in tracing & identifying the accused

NOTE—Contn. sheet.

(10

J929, J°:2, J953, J970, J1014, J1015, J1123, J1124; J1471;

G. R. S. 12]

General and Revenue Secretariat. | cb File No. 103 of 191 6.

Serial No.

11. From The D. G. of Police

No J 3045/289 4/8 th. Jan: 1917

States that the Procedure may be adopted tentatively as an experimental measure.

(14) Five of the 8 to Magistrates (of Shimoga, Mysore, Kolar, Kadur & Chitaldroog) as well as the D.G. of Police see no objection to the adoption of the new procedure in respect of warrants issued either by Magistrates either (1) in Brit. India, or (2) in Mysore; only the D.G. Police would have it tentatively. Of the rest Mr Chandy (Tumkur) considers that it is likely to be abused & to diminish the self-respect of labourers. He suggests the desirability of securing reciprocity in the matter. Mr Krishna Iyer (Hassan) apprehends danger of divided responsibility between the officers of the Labour Dept & the Police & of undesirable friction between the two. He considers the measure as one of little practical utility as the majority of planters are Indians & non subscribers of the Association. Mr Srinivasaiyar (Bangalore) fails to see the necessity for the intervention of the Labour Dept in the matter. He thinks the object in view can be secured if magistrates are instructed to hand over warrants to complainants or their agents, who may belong to the Dept, to be given to the Police officer to whom they are directed for execution the agent assisting the Police officer in tracing

NOTE—Contn. sheet.

GPB—70,000—17-12-15

G. R. S. 12]

General and Revenue Secretariat. | CS File No. 103 of 1916.

Serial No.

the accused.

(5) The advantage of the new procedure will be reaped mainly by the Madras planter except perhaps to the limited extent it will have operation in respect of warants issued in Mysore for execution in Mysore. Under the arrangement of 1879 Madras warrants under the Breach of Contract Act are freely executed in Mysore; as well as warrants under the Madras Planters' Labour Act 1903. Whereas Mysore warrants under the former Act cannot be executed outside Mysore. As an offence under that Act is not an extradition offence — and the Govt of India have declined to declare it as one — an accused has no sooner he crossed the Mysore border than he is beyond the reach of the local Courts. Thus the Mysore planter labours under difficulties from which his Madras brother is free. To remedy them the Madras Govt. were requested to authorise the execution of the warrants by issuing a notifn under the Madras Planters' Labour Act. but they would not do so unless a similar law was introduced in Mysore. Legislation was proposed but had to be dropped as the European Planters in Mysore would not subject themselves to the jurisdiction of the ordinary Criminal Courts even for the limited purpose of the Act. So that the defaulting of the Mysore Planter continues as of old + it is a matter for consideration if additional facilities

NOTE—Contn. sheet.

GPB—70,000—17-12-15

(12

1677

G. R. S. 12]

General and Revenue Secretariat. | Ch File No. 103 of 1916.

Serial No.

should be provided for the Madras Planters by adopting the new procedure as required by the Govt of Madras.

Submitted for orders,

A 12/1/17 MK 16)

I am directed unofficially with compliments to the Government Advocate for favour of opinion as to whether there is any legal objection in adopting the course suggested by the Govt of Madras.

By order
S Ramaswamy
5/2 for Secy to Govt

G.O. No. 948 dy 5th Feby 1917 with Pol. 141-11 (Sls. 1 3) Eds. 38-12 (Sls 1-10) and 4 Cys

17) There is in my opinion no legal objection to the adoption of the course proposed by the Govt of Madras.

6.2.17

S Doraiswami Ay for Advocate General

G.O. No. 41 dy 16-1-17

GEN. SECRETARIAT
8 FEB 1917
JUDICIAL
10 FEB 1917

18) Submitted for orders.

A 19/2/17 MK

19) Draft the Rs[n] may be perhaps amended.

20) Draft prepared.

A 15-2-17 MK

21) The District Magistrates, the Agent, Nilgiris were consulted as regards the proposal

NOTE—Contn. sheet.

GPB—70,000—17-12-15

1471
775

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2)

General and Revenue Secretariat. | CS File No. 103 of 1916.

Serial No.	
	and motupalem have no objection for adopting this proposal. The Govt. Advocate also considers that there is no legal objection for adopting the course suggested. Draft of the Resolution is submitted for approval CS 15/2
	1881/15-2 First Member 22) Draft approved by the first Member 16.2.17 am 16/2
12	To the G. A. Resident no Pol 921 dated 10th Mar. 1917 States that the Durbar have no objection for adopting the proposal and requests that the final orders of the Madras Govt may be intimated. 23) done CS 16/2
13	From the G. A. Resident no. 7539 dt 2.10.17 Forwards a copy of the Proceedings of the Madras Govt no. 1074 (Home) (Mis) dt 21.9.17 24) Submitted for orders. ASR 12/10 25) Please put up a draft of the lines of the Madras G.O. dt 21.9.17 with the modifications introduced in these orders dt 9.12.16 CS 19/10

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

775

G. R. S. III-2]

General and Revenue Secretariat.

do File No. 103 of 1916.

Serial No.

2b) Attention is respectfully invited to the letter this Residency of 10.3.1916 under which the Durbar have already agreed to the transmission of warrants against mahajans residing in Mysore thro' the Labour Dept. Warrants of Magistrates thro' the D.G. of the Govt. Vakils have already been consulted and no objection. Draft adopting the procedure is accordingly submitted for favourable approval. ~~If approved, it may be addressed~~

ES
21/12

Dist. Mantry
2b) Draft approved by the 1st inst.
21/12/16

2358
21.12

ES
21/12

Sub[d] for perusal before issue.

343/
3/1/18

Dewan) Ser. may issue.
24/12/16
10.1.18

ES
31/12

Issue
CSS
9/1/18

B
2/3/18

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat.

ek File No. 103 of 1916.

Serial No.	
14	No. Ge by Magistrates Ge S.P.'s Police No 2436-44 22 Jan: 19 Forwards the extract for information.

GEN. & REV. SECTT.
16 SEP 1916

No. 6582
Conf.

P. C. 552
15.9.1916

FROM

MAJOR T. H. ST. GEORGE TUCKER,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

DIARY No. J-658

19 -19
SECTION Cls
FILE No. 103-16
ITEM No. 1

To

The Dewan of Mysore.

Dated Bangalore, 16th September *1916.*

SIR,

I am directed to forward a copy of the Proceedings of the Government of Madras, No. 101, Judicial, dated the 12th January 1916, together with a copy of the order now proposed to be issued by them on the subject of the transmission of warrants under the Workman's Breach of Contract 1859 and the Madras Planters Labour Act, 1903. At the instance of the Madras Government, I am to enquire whether the Durbar have any objection to the transmission of warrant against maistries and labourers residing in the Mysore State through the Labour Department of the United Planters' Association of Southern India, Bangalore, to the police in Mysore, instead of to the latter direct.

I have the honour to be,

Sir,

Your most obedient servant,

T. St. G. Tucker.

First Assistant Resident

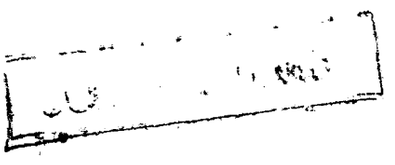
R. O 2.—R. P. B.—6-1916.—1,000.

Government of Madras.

JUDICIAL DEPARTMENT.

Recd.	1916.	*Enclosures*
Regd.		*Spare copies*

G.O. No. 101, 12th January 1916



Planters Labour Act

Issuing instructions to remedy the difficulties experienced in connection with the execution of warrants against absconding maistries and coolies under the Workman's Breach of Contract and the Planters Labour Acts.

No. 101, JUDICIAL, 12TH JANURAY 1916

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following papers :—

I

Letter—from E. H. F. DAY, Esq., Deputy Director of the Labour Department of the United Planters' Association of Southern India.
To—the Secretary to Government, Judicial Department.
Dated—Coimbatore, the 16th March 1915.

The issue and service of warrants for the arrest of defaulting estate maistries.

I have the honour to inform you that, after the conference on the 1st instant with Sir Harold Stuart, yourself and the Inspector-General of Police on the subject of the employment on estates of criminal tribes, the Hon'ble Mr. Barber, Mr. Martin and myself called upon the Inspector-General of Police with a view to obtaining his advice and assistance in the above matter.

2. We put the subject fully before the Inspector-General of Police but he said, though anxious to help us in every way he could, it was a matter for the Judicial authorities to decide. We consequently called upon Mr. T. J. Tasker who advised us to put the whole matter before yourself and to ask you for an interview.

3. I will now try and explain to you the difficulties in which planters are placed.

4. Maistries and canganies come to estates and obtain advances under false names supported by incorrect addresses. The evil will not be so great in the future as in the past now that planters have the services of this department at their disposal, but the chaos created in the past resulting in an enormous percentage of unserved warrants has to be cleared away before the files of undisposed of cases in the Magistrates' courts in planting districts and in this office can be satisfactorily reduced.

5. Until a few years ago it used to be the custom in some planting districts for Magistrates to grant " hand warrants " direct to complainants, which the latter could get executed by the station house officer nearest to the place where the complainant found the accused to be.

6. The privilege was withdrawn owing to its being abused by (1) maistries who used to use such warrants as a means of obtaining bribes from the accused who, in numerous cases, should never have even been proceeded against criminally, (2) planters who took no active measures to get such warrants served with the result that the issuing Magistrates were greatly inconvenienced by long lists of undisposed of cases on their files.

7. This department is doing everything in its power to assist planters, and incidentally issuing Magistrates and the Police, in getting these unserved warrants, some of them relating to complaints made as long ago as 1912, executed. This department is greatly delayed and inconvenienced in its efforts by the present procedure under which (1) warrants have to be sent by the issuing Magistrate to the Superintendent of Police in the district where the accused person is believed to be, (2) warrants cannot be sent from one station to another without being endorsed at each transfer by the Superintendent of Police.

8. If the warrants are sent direct to the Superintendent of Police the information is apt to leak out that there is a warrant for such and such a person, should the latter have friends amongst the junior members of the staff or amongst the constables in attendance at the office. What I have written is not meant to be in any way disparaging to the European Police officers or the higher grades of their native staff.

9. If Government could see its way to permit issuing Magistrates to send the warrants direct to this office, the present difficulty of maintaining secrecy in respect of the same would be done away with.

10. The difficulty as regards the endorsement of warrants by the Superintendent of Police whenever such warrants have to be taken from the sphere of one station house officer to that of another can readily be understood. A peon from this office holds a warrant for the arrest of a certain person. The peon has to go to the station house officer to get the same executed. Meantime the accused hears that there is a peon from this office in the village and, having a guilty conscience, he promptly makes off to another village which is probably out of the jurisdiction of the station house officer to whom the Superintendent of Police has endorsed the warrant. Instead of being able to go straight after the accused, my peon has to return to get the warrant re-endorsed which gives the accused ample time to make good his escape.

11. If Government could see its way to instruct issuing Magistrates to make out all warrants to "the Superintendent of Police or any station house officer in that district," this difficulty would be got over.

12. I am afraid that I have written at great length on this subject, for which I apologise, but I have tried to make the matter clear to you. What I have written applies chiefly to Malabar, Coimbatore and the Nilgiri districts and also in a lesser degree to Salem and the Karūr and Nāmakkal taluks of Trichinopoly.

II

Telegram—from the Secretary to Government, Judicial Department.
To—Deputy Director of the Labour Department of the United Planters' Association of Southern India.
Dated—Madras, the 22nd March 1915.
No.—351.

Your letter sixteenth instant regarding service of warrants against estate maistries. Judicial Secretary will accord interview as requested on 26th at about 12 noon if that hour would suit you.

III

Letter—from E. H. F. DAY, Esq., Deputy Director of the Labour Department of the United Planters' Association of Southern India.
To—the Secretary to Government, Judicial Department.
Dated—Coimbatore, the 23rd March 1915.

I have the honour to thank you for your telegram of yesterday's date, delivered this morning, reading as follows :—

"351. Your letter sixteenth instant regarding service of warrants against estate maistries. Judicial Secretary will accord interview as requested on 26th at about 12 noon if that hour would suit you."

I have communicated the contents of the telegram to Messrs. Barber and Martin and we shall attend at the Secretariat at noon on the 26th instant as arranged.

Thanking you for according the department this interview.

IV

Letter—from E. H. F. DAY, Esq., Deputy Director of the Labour Department of the United Planters' Association of Southern India.
To—the Secretary to Government, Judicial Department.
Dated—Coimbatore, the 31st March 1915.

As requested by your Under Secretary on the 26th instant, I have the honour to herewith enclose copies of the correspondence, which was placed before you. I have taken the opportunity to send copies of additional letters, which will make this correspondence clearer to you and also to enclose copies of correspondence on the same subject, which has passed between the Superintendent of Police, Coimbatore, and myself since I was in Madras.

For easy reference I have grouped the correspondence under headings "**A**", "**B**", "**C**", and so on as follows:—

"**A**". This correspondence is sent to show you how hopeless it is to expect the police to execute a warrant with the meagre details, with which they are supplied by most planters, and also how impossible it is for this department to assist the Police unless it knows exactly where the warrants are.

It was for this reason that I showed you an extract from a letter I wrote to the Superintendent of Police, Coimbatore, under date January 6th reading as follows:—

"Planters in many cases are very slack in giving the information without "which it is impossible for the Police to secure the arrest of warrantees, and they "are only too apt to blame the Police for not effecting an arrest when such is "practically impossible owing to the insufficiency or incorrectness of the particulars "they give; consequently the reasons given for non-arrest by the Police are generally "looked upon as excuses for incompetence.

"If the procedure, which I suggest, is adopted the Police can look to me for "the necessary particulars and assistance in tracing defaulters. If I do not get the "necessary particulars from the planters concerned, there are many ways in which "I can make myself extremely unpleasant to them, which are not open to the Police. "I have to show returns to my subscribers, which are likely to call for explanations "if the percentage of unarrested defaulters is excessive; consequently, I am not "likely to put 'cases' on my list until I am given all the particulars I require, which "is why I do not take action now in respect of the various warrantees whom you "have mentioned to me."

This letter was written by me in reply to a veritable avalanche of letters of a similar nature, numbering over 40, which descended upon this office from that of the Superintendent of Police, Coimbatore, during the fortnight following Christmas last. I send you three of these letters as specimens and you will note that the Court file-numbers in two of these cases date back to 1912. I number these specimen letters "**B**".

"**C**". This correspondence is sent to you so that you may understand that, even when the estate sends down a special cooly to point out "warrantees", I am powerless to assist either planters or the police unless the warrants are readily available. You will see that in the case of Kulla Madari the warrant was sent out to the village Police at Sulur before the cooly sent down by the estate to identify the warrantee, reached my office. It is not surprising that the warrantee has now made himself scarce, which he would not have had time to do if I had first marked him down and then applied for a constable to execute the warrant. In the case of Kanthan, you will see that the warrant was returned to the issuing Magistrate before the cooly, deputed by the estate at my request to point out the warrantee, arrived here. The "slip" referred to by the Manager is a *useless* bit of paper given by the Magistrate to importunate complainants who ask for a "hand" warrant.

"**D**". This correspondence is sent to you to show you how undesirable it is that the lower grades of the Police should even know that a warrant is in existence for the arrest of a maistry or cooly, much less be entrusted with the execution of the same unless they are accompanied by a reliable agent for the complainant, who will be supplied by this department.

I do not wish to give you specific instances of what must have been corruption on the part of the constables concerned, so I will mention no names as, by so doing, I should convert this letter into a complaint against the Police, which it is not meant to be; but I may state that a warrantee, whose name was correctly stated in the warrant, was allowed to roam about his native place for over a month after the issue of the warrant until, in desperation, I decoyed the warrantee into the nearest Police station and requested that he might be produced before the local Magistrate; another instance of a similar nature is that of a warrantee who was pointed out by one of my staff to the Police by whom he was arrested and brought to my bungalow whence he was allowed to escape from legal custody; the warrantee was not rearrested until over a month afterwards when the same member of my

staff again handed him over to a Police station! I trust that you will take no official cognizance of these two matters as I only quote them as instances in support of my arguments though you are welcome to test by enquiry the correctness of what I write.

"**E**". This correspondence is placed before you to show you that the local Superintendent of Police, who has more to do with the service of warrants for defaulting maistries than any other Police Officer in the Presidency, is not satisfied with the existing procedure I need not go into details as the correspondence explains itself. The concluding sentence of the Superintendent's letter will make clear to you the procedure that would be adopted in the case of warrants applied for by persons, who are not subscribers to this department; seeing that the Superintendent of Police has *no* information of the discussion which took place at our interview with you on the 26th instant, I consider this most valuable testimony to the fact that the proposals we made to you will not unfairly affect or put to a disadvantage, greater than they suffer under present conditions, non-subscribers to this department.

Enclosures.

A

(1)

Letter—from E. H. F. Day, Esq., Deputy Director of the Labour Department of the United Planters' Association of Southern India.
To—the Superintendent of Police, Coimbatore.
Dated— Coimbatore, the 28th January 1915.

I have the honour to request you to inform me if warrants have been received for the arrest of Pitchamuthu maistry C.C. No. 843/13 and Arumugam C.C. No. 525/14 as recently as December last from the Stationary Sub-Magistrate, Coonoor. If such warrants have been received by you please inform me of their present whereabouts and what action has been taken in respect of them.

(2)

Letter—from J. T. W. Filson, Esq., Superintendent of Police, Coimbatore.
To—the Deputy Director of the Labour Department of the United Planters' Association of Southern India.
Dated—the 30th January 1915.
No.—R.C. 135/I.D.

With reference to your letter dated the 28th January 1915 enquiring about the warrants against the marginally-noted individuals, I have the honour to inform you that the warrants were returned to the Stationary Sub-Magistrate, Coonoor, unexecuted on the dates noted against each as the warrantees could not be traced at the addresses given in the warrants.

Warrant against
Pitchamuthu Goundan in C.C. No. 843/13 returned on 7th January 1915.
Arumugam Maistry in C.C. No. 525/14 returned on 15th January 1915.

(3)

Letter—from E. H. F. Day, Esq., Deputy Director of the Labour Department of of the United Planters' Association of Southern India.
To—the Superintendent of Police, Coimbatore.
Dated—Coimbatore, the 17th March 1915.

I have the honour to inform you that I have heard from the Manager of Halacarry Estate, Coonoor, that the two warrants for the arrest of Pitchamuthu and Arumugam maistries have been despatched to you. These are the men referred to in your letter to me No. 135, dated 30th January 1915; the numbers of the accused being respectively C.C. No. 843/13 and C.C. No. 525/14. Have the warrants reached you and, if so, where are they?

(4)

Letter—from J. T. W. Filson, Esq., Superintendent of Police, Coimbatore.
To—the Deputy Director of the Labour Department of the United Planters' Association of Southern India,
Dated—the 19th March 1915.
No.—R.C. 475/I.D.

With reference to your letter, dated the 17th instant, I have the honour to inform you that the warrants against Pitchamuthu Goundan and Arumugam maistry have been received and sent to the Inspectors of Police, Coimbatore taluk and Palladam, respectively, on 12th March 1915 for execution.

(5)

Letter—from E. H. F. DAY, Esq., Deputy Director of the Labour Department of the United Planters' Association of Southern India.
To—the Superintendent of Police, Coimbatore.
Dated—Coimbatore, the 23rd March 1915.

I have the honour to acknowledge receipt of your letter No. 475 of the 19th instant. I note that you have sent out these warrants for execution. If the Inspectors of Coimbatore and Palladam respectively have any trouble in ascertaining the identity of the warrantees kindly ask them to return the warrants to you unexecuted so as to give me time to have private enquiries made about the accused If the warrants are allowed to stay unserved in the respective police stations for any length of time, the information that there is a warrant out for such and such a person is likely to get known and this makes the arrest of the accused most difficult. Kindly inform me when the accused are arrested or when the warrants are returned to you.

B

(1)

Letter—from J. T. W. FILSON, Esq., Superintendent of Police, Coimbatore.
To—the Deputy Director of the Labour Department of the United Planters' Association of Southern India.
Dated—the 23rd December 1914.
No.—R.C. 1800/I D.

I have the honour to request that you will be so good as to let me know whether anything is known of the present whereabouts of warrantee Kanthan maistry of Singaranpalaiyam working in the Sinna Thottam, Anamalais, concerned in C.C. No. 615/12 on the file of the Taluk Magistrate, Gudalur (complainant J. S. Nicholls, Esq., of Devarshola Estate).

Enquiries were made in the estate for the warrantee and nobody turned out to point him out to the Police. The time specified by the Magistrate for a person to be sent to the Police to identify him was a fortnight from the 3rd November 1914, the date of issue of the warrant.

(2)

Letter—from J. T. W. FILSON, Esq., Superintendent of Police, Coimbatore.
To—the Deputy Director of the Labour Department of the United Planters' Association of Southern India.
Dated—the 29th December 1914.
No.—R.C. 1958-I.D.

I have the honour to request that you will be so good as to let me know whether anything is known of the present whereabouts of the warrantee Karuma Parayan of Pachapalayam, hamlet of Pappini, Dharapuram taluk, concerned in C.C. No. 115-13 on the file of the Sub-Magistrate, Vayittiri (complainant Periaswami maistry of the Achoor Estate).

He is reported not to be found in his village and no one turned up to point out the warrantee to the Police as noted in the warrant.

(3)

Letter—from J. T. W. FILSON, Esq., Superintendent of Police, Coimbatore.
To—the Deputy Director of the Labour Department of the United Planters' Association of Southern India.
Dated—the 4th January 1915.
No.—R.C. 2119 I.D. of 1914.

I have the honour to request that you will be so good as to let me know whether anything is known of the present whereabouts of the warrantee Pottai Rangan, Chuckili of Sevanampatti, Coimbatore taluk, concerned in C.C. No. 1034/12, on the file of the Stationary Sub-Magistrate, Coonoor (complainant Nanjah maistry).

It is reported that there is no such individual answering to the description and name noted in the warrant.

C

(1)

Letter—from E. H. F. DAY, Esq., Deputy Director of the Labour Department of the United Planters' Association of Southern India.
To—the Superintendent of Police, Coimbatore.
Dated—Coimbatore, the 10th March 1915.

I have the honour to request you to inform me if you have warrants in your office for the following persons :—

Gudalur C.C. No. 364/1914, *Natchi maistry*.—The warrant was sent to you from Gudalur on 5th March 1915.

Gudalur C.C. No. 249/1913, *Karuppan maistry known as Ammasai.*—The warrant was sent to you from Gudalur on 4th November 1914, and has not yet been returned to Gudalur.

Gudalur C.C. No. 543/1912, *Thamban maistry.*—The warrant was sent to you on 4th November 1914 from Gudalur and has not yet been returned to Gudalur.

Gudalur C.C. No. 615/1912, *Kanthan maistry.*—The warrant was sent to you from Gudalur on 4th November 1914, and has not yet been returned to Gudalur.

Kulla Madari of Kallapalaiyam village, Palladam taluk.—A fresh warrant has been sent for this man's arrest.

The above information is taken from a letter received from the Manager, Devarshola Estate, dated 8th instant, which has been brought down by a cooly who is able to point out several of the accused. If you will give me the information asked for I will work out a programme for my peon who will accompany the cooly if you will hand over the warrants and give my peon a special constable to make him independent of any subordinate police in the districts which have to be visited.

As I am leaving tomorrow for Salem, an early reply would greatly oblige to enable me to send off my peon Kandaswami before I leave for Salem.

(2)

Letter—from J. T. W. FILSON, Esq., Superintendent of Police, Coimbatore.
To—the Deputy Director of the Labour Department of the United Planters' Association of Southern India.
Dated—the 11th March 1915.
No.—R.O.C. 429/I.D.

Referring to your letter dated 10th instant, I have the honour to say that the warrants against Natchi maistry, Karuppa maistry *alias* Ammasai and Thamban maistry are in this office and the warrant against Kulla Madarai of Kallapalaiyam has been sent to the Sulur Police for execution. The warrant against Kanthan maistry was returned unexecuted to the Taluk Magistrate, Gudalur, on 23rd January 1915.

The warrants which are with me will be endorsed to a special constable who will accompany peon Kandaswami when he comes to my office.

(3)

Letter—from E. H. F. DAY, Esq., Deputy Director of the Labour Department of the United Planters' Association of Southern India.
To—the Superintendent of Police, Coimbatore.
Dated—Coimbatore, the 11th March 1915.

I have to thank you for your letter No. 429 of today's date. I will send my peon Kandaswami round to you presently for the warrants.

Kanthan C.C. No. 615/1912. The Manager, Devarshola Estate, who is a careful man, wrote me as follows under date the 8th instant relating to this warrant:—

"This warrant was sent to the District Superintendent of Police, Coimbatore, on 4th November 1914 and not returned to Gudalur yet".

Could you again search in your office to see if you have the warrant there? I am telegraphing to the Manager, Devarshola Estate, this morning asking him to send a fresh warrant. On its arrival in Coimbatore please inform me immediately so that I may get it from you and forward it by post to my peon in the Anamalais.

(4)

Letter—from E. H. F. DAY, Esq., Deputy Director of the Labour Department of the United Planters' Association of Southern India.
To—the Superintendent of Police, Coimbatore.
Dated—Coimbatore, the 23rd March 1915.

With reference to my letter to you of the 11th instant I have the honour to herewith send you an extract from a letter from the Manager of Devarshola Estate dated the 20th instant.

"I am in receipt of your two letters dated the 11th instant confirming your wire of that date *re* case 615. I at once sent for particulars and only succeeded in getting the new warrant slip yesterday. I now enclose slip".

I shall be much obliged if you will forward me this warrant by bearer so that I may send it up by registered post to my travelling peon who is now in the Anamalais as the warrantees is said to be on Kurangumudi Estate.

(5)

Letter—from E. H. F. DAY, Esq., Deputy Director of the Labour Department of the United Planters' Association of Southern India.
To—the Superintendent of Police, Coimbatore.
Dated— Coimbatore, the 23rd March 1915.

In your letter to me of the 11th instant you informed me that the warrant for the arrest of Kulla Madari of Kallapalaiyam had been sent to the Sulur Police for execution. I have just heard from the Manager of Devarshola Estate that the warrant was sent direct to Kallapalaiyam, Palladam.

Until I can make careful enquiries and obtain definite information as regards the whereabouts of this man I shall be much obliged if you will get the warrant back to your office and keep it there.

D

(1)

Letter—from J. ELLIOT, Esq., Assistant Superintendent of Police, Malappuram.
To—the Deputy Director of the Labour Department of the United Planters' Association of Southern India.
Dated—the 12th December 1914.
No.—883/G1.

Referring to your letter without number dated 9th instant, delivered to me by S. V. Thyriam, I regret I was unable to assist him in the execution of the warrant as he is a private individual. I do not understand why the magistrate who issued the warrant did not forward it to the police for execution. This is the correct form of procedure. I advised the bearer of your letter to return the warrant to the issuing magistrate with a request it shall be forwarded to the Malappuram Police when it will be duly executed.

(2)

Letter—from E. H. F. DAY, Esq., Deputy Director of the Labour Department of the United Planters' Association of Southern India.
To—the Assistant Superintendent of Police, Malappuram.
Dated—Coimbatore, the 16th December 1914.

I am in receipt of your letter No. 883 of the 12th instant relating to the warrant for the arrest of one Mammi Moplah. The warrant was sent to the agent of this department at Malappuram because it has been found that there is considerable difficulty in identifying defaulters from estates if the warrants are sent direct to the police.

When I am next in Malappuram I hope to have the pleasure of meeting you in person and explaining to you that this department has been formed not only to assist planters but also to be of some service to the police in the execution of warrants over which they are bound to have a great deal of trouble on account of the slackness of planters in obtaining the correct addresses and names of maistries and coolies advanced by them.

(3)

Letter—from Mr. S. V. THYRIAM, Agent, United Planters' Association of Southern India.
To—the Deputy Director of the Labour Department of the United Planters. Association of Southern India.
Dated—Malappuram, the 17th March 1915.

Ali Raman of Aliparamba.—I took the warrant for the arrest of this man to Angadipuram Police station and in absence of Sub-Inspector on special duty elsewhere, I asked the head constable for a constable to come with me the next day to Aliparamba. When I went there the next day, there was no constable waiting for me as was arranged and head constable was not to be seen and the station clerk, when questioned, said that he got that warrant which was given to the beat constable for execution The station clerk was very reluctant to tell me where I could find that constable. I searched all the roads that lead to Aliparamba, but I did not find him and I stayed that night at Angadipuram awaiting his return, he did not return that night. Next morning, I proceeded to Aliparamba and arranged with that Adhikari to give the constable all possible assistance if he comes there in my absence and on my way back also, I left word at the Police station telling that the constable should take the warrant to the Aliparamba Adhikari who will give him assistance.

Yesterday I went there and found that the constable returned saying that the warrantee is not there. When I questioned as to how that happened and why that constable did not wait for me or go to the Aliparamba Adhikari, the head constable and the station clerk did not give proper answers and they were quite rude to me.

But on subsequent enquiries, I find that the head constable and the station clerk are of Tiyya caste and that the station clerk is also a native of Angadipuram and I strongly suspect that Ali Raman has good friends if not relatives among the Angadipuram Police. So it is no wonder that two previous warrants were returned without being served.

As the Assistant Superintendent of Police does not like warrants being issued, but through his department, I cannot complain to him about this and even then I cannot bring forward any tangible proof against these people.

It is extremely annoying that Ali Raman should escape like this evidently under the connivance of police.

(4)

Letter—from E. H. F. Day, Esq., Deputy Director of the Labour Department of the United Planters' Association of Southern India.
To—the Superintendent of Police, South Malabar.
Dated—Coimbatore, the 22nd March 1915.

Service of warrants in Malappuram.—I have the honour to herewith enclose a copy of a letter, dated 17th instant, which I have received from my agent in Malapuram relating to the arrest of one Ali Raman. I do not want to endorse anything that my Agent has written without confirmation in respect of collution on the part of native constables, but from various things which have come to my notice I suspected that warrantees were being given notice of the arrival of warrants. It is for this reason that, on previous occasions, I have had warrants sent to me direct by Magistrates for service in Malapuram. In one case, a notorious one, in which a warrantee had been previously convicted on three charges some years back I sent the warrant direct to my Agent in Malapuram with instructions that he should take it to the Assistant Superintendent of Police, Malapuram, with a request that a special constable might be given him to effect the arrest of the accused. I would refer you to your Malappuram Assistant's reply to me, dated 883 of 12th December 1914, in which you will see that he declined to take delivery of the warrant with the result that the accused was not arrested.

I have been in communication wtth the District Magistrates of Malabar and the Nilgiris respecting the service of warrants upon defaulting maistries and I have also interviewed the Inspector-General of Police, Madras, on the subject. With the Hon'ble Mr. Barber and the Director of this department I am probably meeting the Hon'ble Diwan Bahadur P. Rajagopala Achariyar Avargal as Judicial Adviser to Government, in Madras on the 26th instant on the same subject. I much regret that I had not had the opportunity of meeting you to discuss the procedure in respect of the service of warrants, but my time has been very fully occupied since I took up this appointment and you have been away from headquarters a good deal. If you would kindly inform me when you are likely to be in Calicut during the coming month, I would make a point of calling upon you there.

Meantime, if you could effect the arrest of Ali Raman I should be very much obliged to you.

E

(1)

Letter—from J. T. W. Filson, Esq., Superintendent of Police, Coimbatore.
To—the Deputy Director, of the Labour Department of the United Planters' Association of Southern India.
Dated—the 26th March 1915.
No.—C. 551/I.D.

I have the honour to address you on the question of issue of warrants under Act I of 1903.

Several instances have occurred recently in which warrants for the arrest of absconding maistries or coolies though addressed to Police officers, have been sent to you by the Magistrate issuing the warrant and kept by you till you had information about the whereabouts of the warrantee. These warrants are shown by the issuing Magistrate as pending with the police though as a matter of fact they have not been sent to any police officer and as they have not passed through my office, I have no check on what has happened to them. So far as I am concerned this is unsatisfactory and I shall be obliged if you will let me know if you can accept the following arrangement.

Under section 83 of the Criminal Procedure Code when a Magistrate issues a warrant for execution outside his jurisdiction he may instead of directing it to a police officer send the same to me and I can have it executed anywhere in the Coimbatore district. If these warrants are sent to me I can advise you of their receipt and if you wish can keep them pending until you can spare a peon to accompany the constable deputed to execute the warrant. On the other hand if you have no information about the case and are not taking it up I can send it for execution in the ordinary course.

(2)

Letter—from E. H. F. DAY, Esq., Deputy Director of the United Planters' Association of Southern India.
To—the Superintendent of Police, Coimbatore.
Dated—Coimbatore, the 30th March 1915.

I have the honour to acknowledge receipt of your letter No. 531 of the 26th instant, relating to the issue of warrants under Act I of 1903.

In the first place I would suggest that this correspondence relates also to the issue of warrants under Act XIII of 1859, Act I of 1903 only being in force in the Nilgiris and Wynaad.

I agree with you that the present three-cornered procedure in respect of warrants is most unsatisfactory and in consequence of this I interviewed the Inspector-General of Police, Madras, on the 1st instant. He was most sympathetic but said that he could do nothing as the difficulties were caused by the nature of the judicial procedure.

As a consequence of this, I put the whole matter in writing before the Judicial Secretary to Government who accorded me an interview on the 26th instant.

I do not know that I am at liberty to disclose what took place but have no doubt but that you will shortly be given an official account of the interview as I understood that the whole matter was to be communicated to the Inspector-General of Police.

The Judicial Secretary thoroughly grasped the present difficulties not only of this Department but also of the Police and promised to do his best to make matters easier for both parties with as little delay as possible.

In view of this interview and of the new procedure which will probably result from it I think it best to defer replying to your proposal for the present.

I am taking the liberty of forwarding a copy of this correspondence to the Judicial Secretary to Government for his information.

V

Memorandum No. 831 A-1, Judicial, dated 1st May 1915.

An extract from a letter, dated the 16th March 1915, from the Deputy Director of the Labour Department of the United Planters' Association of Southern India is forwarded to the $\frac{\text{District Magistrate,}}{\text{Inspector-General of Police}}$ *.

* Malabar.	Trichinopoly.
The Nilgiris.	Salem.
Coimbatore.	

With a view to remedy the difficulties referred to therein, now experienced by planters in the execution of warrants issued for the arrest of absconding maistries and coolies, under the Madras Planters Labour Act, 1903, it has been suggested to the Government that such warrants should hereafter be served *through* the Labour Department of the Association and that Magistrates should be instructed to endorse the warrant for service to police officers *through* that department. The following procedure has been suggested for adoption :—

(i) When the person to be arrested is in a district other than that in which the warrant is issued, the Magistrate should direct it *through* the Labour Department of the United Planters' Association of Southern India to the District Superintendent of Police who will endorse it for execution to an officer subordinate to him.

(ii) When the warrant is to be served in the district of issue, it may be directed *through* the Labour Department either to the District Superintendent of Police or to an officer in charge of a police station in whose station limits the person to be arrested is known to be; this officer will under section 79, Criminal Procedure Code, endorse it to another station-house officer in case the person to be arrested leaves the limits of his station before the execution of the warrant.

This procedure will enable the Labour Department to help the police by information as to the whereabouts and the identity of the person to be arrested and such assistance the department undertakes to give. It will endeavour to show the person to be arrested to the officer entrusted with the warrant. In the case of defective warrants, of which a very large number are at present said to be issued without effect, it will obtain the requisite information to make the warrant of use and thus save the Police the trouble of endeavouring to serve useless warrants.

2. The above procedure is applicable only in the case of planters who are subscribers to the United Planters' Association In the case of non-subscribers the existing procedure will continue and their position will not be worse than it is now.

3. The District Magistrate,—* Inspector-General of Police, is requested to state whether there are any objections to adopting the procedure indicated above, whether in his opinion it will meet the difficulties now experienced by planters, and if not what other remedy he would suggest to secure better service of warrants issued under the Planters Labour Act.

* Malabar. The Nilgiris. Coimbatore. | Trichinopoly. Salem.

(By Order.)

E. A. HARVEY,
Under Secretary to Government.

To the District Magistrate, Malabar.
" " the Nilgiris.
" " Coimbatore.
" " Trichinopoly.
" " Salem.
" Inspector-General of Police.

VI

Letter—from E. W. LEGH, Esq., I.C.S., District Magistrate of Salem.
To—the Secretary to Government, Judicial Department.
Dated—the 12th May 1915.
No.—684-D.M.D.

With reference to Government Memorandum No. 831/A-1, dated 1st May 1915, I have the honour to submit that there is no objection to adopting the procedure suggested, provided that it lies on the complainant planter in each case or his agent to prove that he is a member of the association and applies for the issue of warrants in this particular way.

VII

Letter—from C. A. INNES, Esq., I.C.S., Acting District Magistrate of Malabar.
To—the Secretary to Government, Judicial Department.
Dated—Camp Alathur, the 8th May 1915.
No.—R.O.C. 1615-M.

I have the honour to reply to Government Memorandum No. 831 A-1, dated 1st May 1915, regarding the proposal of the Labour Department of the United Planters' Association of Southern India, that all warrants for the arrest of absconding maistries and coolies should be served through the Labour Department in question.

2. The Deputy Director of the Labour Department addressed me some time ago on the same subject, and Mr. Hitchcock, the District Superintendent of Police of South Malabar, and myself discussed the subject with Mr. Day on the 30th April last. Mr. Day's proposal to me, however, was a much more modest one than that which he made to Government. He expressly stated that one of the objects of his department was to *assist* the police, when necessary, in the service of warrants, and that it was not proposed that the department should supersede the police altogether in respect of the tracing of defaulters. His suggestion was that when the police had tried and failed to arrest a maistry or a labourer for whom a warrant had been issued the assistance of his department should be invoked, and he proposed that in such cases the Magistrate who issued the warrant should send the complainant a form to be filled up. This form which contained various particulars about the defaulter would then be sent to the Labour Department, and the District Superintendent of Police would retain the warrant until he received instructions from the Labour Department.

3. I was unable to agree even to this limited proposal in the form in which it was made. I have studied the question of the non-execution of warrants issued under the Planters Labour Act, I of 1903, and I am convinced that avoidable failure by the police to execute such warrants is mainly due to the fact that the police are not as

a rule supplied with sufficiently accurate and detailed information about the persons whom they are required to arrest. This fact, again, is due, in my opinion, to two main causes :—

(1) Magistrates and persons authorised under section 4 of the Act to witness the execution of labour contracts are not sufficiently careful to see that the prescribed particulars are entered in these contracts—*vide* G.O. No. 1912, Judicial, dated 23rd December 1904 ; and

(2) Magistrates who issue warrants do not give in or with the warrants sufficiently accurate and full particulars about the persons named in the warrants.

Mr. Hitchcock, who has also studied the question, is entirely of the same opinion.

4. I decided therefore that the proper course to take was to endeavour to remove these defects and I drafted the orders of which copies accompany this letter. The first is a circular to all Magistrates and persons in the Malabar district authorised to attest contracts. It draws their attention to their responsibility in the matter. In the second order I propose to instruct the Sub-Magistrate of Vayitri and the Sharistadar Magistrate of Manantoddy, who dispose of practically all the cases under the Planters Labour Act in Malabar, to attach to every warrant they issue under that Act a slip giving full particulars of the person to be arrested. If these instructions are observed, the police ought to have no difficulty in executing warrants, except when the defaulter has absconded. But if they fail to do so, the District Superintendent of Police will invoke the aid of the Labour Department. He will send particulars of the person to be arrested and that department will then see what it can do.

5. I have not issued these orders pending the orders of Government on this letter. I may explain that I have dealt solely with the question of warrants under the Planters Labour Act because the non-execution of warrants under Act XIII of 1859 has not so far become a very burning question in Malabar. The rubber estates on the plains which mainly use this Act have hitherto depended largely on local labour. The orders which I propose to issue are, I venture to submit, correct in principle. They are an attempt to enforce the responsibility of the police for what is after all one of their main duties, and the assistance of a private and non-official body is called in only in the last resort.

6. Government now propose, I understand, that labour warrants "should hereafter be served through the Labour Department . . . and that Magistrates should be instructed to endorse the warrant for service to the police through that department." I take it that all warrants issued under the Planters Labour Act are so to be endorsed. If so, I do not think that the proposal should be adopted, and I even doubt whether the Labour Department ever contemplated such a procedure. In his correspondence with me, Mr. Day made it very plain that he proffered the assistance of his department only in cases where the efforts of the police had been unsuccessful. Some 1,500 warrants must be issued every year from the Wynaad taluk alone, and I do not think that the Labour Department has a sufficient staff to enable it to execute this large number of warrants, which moreover are issued to many different districts and to Mysore as well. Apart from this point, I venture to think that the proposal is wrong in principle, since it relegates to a private body duties which ought to be discharged by the police, and I doubt if it could be defended, if it were attacked, say, in the Legislative Council. And finally I consider that the proposal is likely to be most objectionable in practice. It is open to much the same objections as were taken to the system of hand warrants. As Mr. Day remarks in his letter to Government, this system was abused by maistries who used the warrants for purpose of extortion. A system of endorsing warrants to the police through the Labour department is open to precisely the same danger, though not of course to the same degree. The warrants will be handed over to Labour Department peons—*vide* paragraph 10 of Mr. Day's letter—and with all deference to Mr. Day and his new department we have little guarantee that these peons will not use them for the same nefarious purposes as maistries used the hand warrants. Generally speaking it seems to me to be dangerous to hand over arrest warrants to the peons of a private body. The arrest of a British subject is a serious matter, and the public are entitled to demand, I think, that arrest warrants should not be distributed broadcast over the land through the

agency of private persons. These peons moreover will probably be men of no better standing or character than the police, and they will be under far less discipline and control. I am entirely opposed to what I understand the proposal to be, viz., that all warrants under the Labour Act should be issued through the Labour Department.

7. There is, however, a large accumulation of unserved warrants in the Vayitri Sub-Magistrate's Court. On the 1st July 1911, there were 586 of such warrants, and a very large number of labour cases on the file of this court have been transferred to the register of long-pending cases. If, as I understand to be the case, the Labour Department wishes to try its hand at tracing the defaulters for whom these warrants were issued, I see no objection to accepting the offer. If a small special staff is entertained, I can instruct the Sub-Magistrate to have the records of these cases examined, to prepare slips in respect of the different defaulters in the form suggested in paragraph 3 of my draft proceedings of the 30th April and to send these slips to the Deputy Director. If necessary, the warrants may be reissued at the same time to the Superintendents of Police in the district concerned who will be instructed to retain them, up to say a period of 6 months, until they hear from Mr. Day of the whereabouts of the person wanted. This is practically what Mr. Day asked me to do in respect of all unexecuted warrants, and I see no objection to the proposal so far as these long-pending unexecuted warrants are concerned. But I do not think that the warrants should be reissued through the Labour Department.

Enclosures.

(1)

Circular.

Much of the difficulty now experienced by the police in executing warrants issued under the Planters Labour Act, I of 1903, is due to the fact that they are not supplied with sufficiently accurate and detailed information about the persons whom they are required to arrest. Measures are being taken which, it is hoped, will minimize this difficulty, but no improvement can be expected until all Magistrates and other persons authorised under section 4 of Act I of 1903 to witness the execution of labour contracts realise the responsibilities that devolve upon them in this matter. Their attention will therefore be drawn to the rules framed by the Local Government under section 4 of the Act which for convenience of reference are appended to this circular. It will be observed that every labour contract must contain among other items—

(i) the name of the labourer;

(*N.B.*—In the case of a Malayali labourer, his house name should also be given.)

(ii) the name of the labourer's father, guardian or husband as the case may be;

(iii) the labourer's native place (village, taluk and district), caste, age and descriptive marks;

(*N.B.*—In the case of a Malayali labourer, the desam as well as the amsam should be entered.)

(iv) The signature of the labourer or, if the labourer is unable to sign his name, the impression of his left thumb.

2. Similar particulars must be entered on contracts between planters and maistries in respect of the maistries.

3. Persons authorised to witness the execution of contracts under the Planters Labour Act should, before they sign the certificates prescribed by rule 3, satisfy themselves that the prescribed particulars especially those mentioned above are fully and accurately entered in the contracts. It will then be possible for magistrates issuing warrants under the Act to furnish the police with complete and accurate descriptions of the persons whose arrest is required.

4. The Sub-Magistrate of Vayittiri and the Sarishtadar-Magistrate of Manantoddy will be instructed to scrutinise the contracts filed in their courts and to bring to the notice of the District Magistrate any failure to enter the prescribed particulars in the contracts.

Sub-Enclosure.

1. Every contract between a planter and a maistry shall contain the following particulars:—

(1) The full name or designation of the planter and his ordinary place of residence or business.

(2) The full name of the maistry, his father's name, the maistry's ordinary residence (village, taluk and district), caste, age and descriptive marks.

(3) The name of the estate or estates for which the maistry is to supply labourers and the taluk and district in which it or they are situated.

(4) The number of each class of labourers to be supplied.

(5) The rate of wages for each class of labourer.

(6) The date on which the labourers are to reach or begin work on the estate.

(7) The amount advanced to the maistry and the manner in which it is to be recovered—whether by instalments, monthly, weekly or otherwise.

(8) The remuneration of the maistry and its form—whether it is a monthly salary or a percentage on labourer's earning or otherwise.

(9) Any other particulars which may be necessary to set forth the terms of the contract.

(10) The signature of the planter.

(11) The signature of the maistry, or if the maistry is unable to sign his name, the impression of his left thumb.

2. Every labour contract shall be written in English as well as a language understood by the labourer and shall contain the following particulars:—

(1) The name or designation and the ordinary place of residence or business of the planter by whom the contract is executed or on behalf of whom the labourer is recruited.

(2) If the contract is executed by a maistry the name of the maistry and the name of his father and the maistry's ordinary place of residence (village, taluk and district).

(3) The name of the labourer and the name of the labourer's father, guardian or husband as the case may be.

(4) The labourer's native place (village, taluk and district), caste, age and descriptive marks.

(5) The name of the estate or estates on which the labourer is to work and the taluk and district in which it or they are situated; if the labourer's home is in the same district as such estate, the distance from the labourer's home to the estate.

(6) The period of contract and the date on which work is to begin.

(7) The nature of the work to be performed.

(8) The rate of wages and when payable.

(9) The amount of advance (if any) and the manner in which is to be recovered—whether by instalments, monthly, weekly or otherwise.

(10) The signature of the planter or maistry executing the contract or, in the case of a contract executed by a maistry, if the maistry is unable to sign his name, the impression of maistry's left thumb.

(11) The signature of the labourer or, if the labourer is unable to sign his name, the impression of his left thumb.

(12) The signature of the magistrate or other person before whom the contract is signed.

3. A certificate to the following effect shall be made on the labour contract by the magistrate or other person authorized under section 4 of the Act:—

"Certified that the terms of this contract have been fully explained to and are understood by the contracting parties, and that to the best of my knowledge and belief the labourer is in a fit state of health to undertake the journey to the estate, and is not incapacitated by reason of any bodily defect or infirmity for labour on the estate."

(2)

Proceedings of the District Magistrate of Malabar, dated 30th April 1915.

Read letter from the Deputy Director, Labour Department of the United Planters' Association of Southern India, dated 4th February 1915, submitting certain proposals for approval to enable him to give effective aid to the police in executing warrants in cases under the Madras Planters Labour Act in which the accused persons cannot be traced by the police.

Read also this office reference to the Deputy Magistrate, Wynaad, R.O.C. No. 229-M.P./M. 15, dated 12th February 1915, and his reply thereto R.O.C. No. 62-M./15, dated 26th March 1915.

Order.—In the papers read above Mr. Day, Deputy Director of Labour Department of the United Planters' Association of Southern India, re-opens the question of the non-execution of labour warrants, and suggests that, in cases where the police have failed to execute a warrant, the assistance of the Labour department should be invoked. His proposal is that in such cases the magistrate should send the complainant a form to be filled up and sent to an officer of the Labour Department and that the warrant should be retained by the District Superintendent of Police until he receives instructions from that department.

2. The Acting District Magistrate has now discussed the matter with Mr. Day and Mr. Hitchcock, District Superintendent of Police, South Malabar. There is little doubt that much of the difficulty now experienced by the police in executing warrants is due to the fact that the police are not given sufficiently accurate and sufficiently detailed information about the persons whom they are required to arrest. The rules framed by Government under sections 4, 13 and 42 of the Madras Planters Labour Act require that full particulars should be entered in the contract regarding the name, age, parentage, residence, caste and descriptive marks of the

person entering into the contract, and it is absolutely essential that the prescribed particulars should be faithfully, accurately and intelligently entered in the contracts. A separate circular on the subject is being issued to all magistrates and other persons in the Malabar district who have been authorized to attest the execution of labour contracts.

3. If the instructions in this circular are observed, magistrates issuing warrants under the Planters Labour Act will have no difficulty in supplying the police with all the information necessary for the prompt arrest of any defaulter whose correct name has been given and who has not absconded. Contracts are usually filed with the complaints, and these contracts contain all the requisite information. The prescribed form of warrant, however, does not give sufficient information about the person to be arrested nor does it leave sufficient space for that information to be entered. Magistrates issuing warrants, therefore, under the Planters Labour Act should attach to the warrant a slip containing the following information :—

(1) Name of defaulter (and house name if a Malayali).
(2) Name of father, guardian, or husband.
(3) Village (amsam and desam in the case of a Malayali).
(4) Taluk.
(5) District.
(6) Caste.
(7) Age.
(8) Descriptive marks.
(9) Any information available as to present whereabouts.

The writing up of these slips should not give much trouble and in any case it will save time in the end. If experience shows that such a course is necessary steps will be taken to get forms of slips standardised, printed and supplied to the Sub-Magistrate of Vayittiri and the Sarishtadar-Magistrate of Manantoddy.

4. It will then be for the police to execute the warrants and they should have no difficulty in doing so except when the defaulters have absconded. The danger of apathy on the part of the subordinate police still remains of course, but the District Superintendent of Police can and no doubt will minimise this danger by scrutinizing personally the monthly return of unexecuted warrants submitted under Police Order 162 (*c*).

5. When the police fail to execute a warrant, there is no objection to the District Superintendent of Police enlisting the co-operation of the Deputy Director of the Labour Department.

6. The system of issuing slips to maistries which means that the warrants are not executed until the maistry turns up to point out the defaulter may be discontinued so far as warrants issued for defaulters in Malabar are concerned.

7. These orders apply only to warrants under the Planters Labour Act. No special instructions are necessary at present as regards the non-execution of warrants under Act XIII of 1859.

C. A. Innes,
Ag. District Magistrate.

VIII

Letter—from P. L. Moore, Esq., C.I.E., I.C.S., Inspector-General of Police.
To—the Secretary to Government, Judicial Department.
Dated—Madras, the 20th May 1915.
No.—D. 609.

With reference to Judicial Department Memorandum No. 831 A-1, dated the 1st May 1915, I have the honour to state that I see no objection to the adoption of the procedure proposed therein for the execution of warrants issued for the arrest of absconding maistries and coolies under the Madras Planters Labour Act, 1903. I consider the system proposed would to a great extent meet the difficulties now experienced by planters.

IX

Letter—from A. R. Cumming, Esq., I.C.S., District Magistrate of Coimbatore.
To—the Secretary to Government, Judicial Department.
Dated—the 22nd June 1915.
No.—D. Dis. 882 M.

In reply to Government Memorandum No. 831 A-1, dated 1st May 1915, calling for remarks on the suggestions of Government to remedy the difficulties referred to by the Deputy Director of the Labour Department in the execution of warrants issued for the arrest of absconding maistries and coolies, I have the honour to report that I see no objection to the proposals put forward by Government being enforced.

2. The only suggestion I would made would be that when the warrant is to be served in the district of issue it *should invariably be sent to the District Superintendent of Police* through the Labour Department so that the question of the date from which the Police are responsible for the pendency of the warrant may be free from doubt, and the District Superintendent of Police may, in all cases, be in a position to check the steps taken to execute warrants made over to the Police.

3. The Deputy Director is wrong as regards the position stated in paragraph 7 (2) of his letter but this fact has already been recognized by Government.

X

Letter—from M. Young, Esq., I.C.S., District Magistrate of the Nilgiris.
To—the Secretary to Government, Judicial Department.
Dated—Ootacamund, the 29th June 1915.
No.—D. Dis. 569 M.

With reference to Government Memorandum No. 831 A-1, Judicial, dated the 1st May 1915, I have the honour to report that there are no serious objections to the adoption of the procedure indicated, regarding the service of warrants under the Madras Planters Labour Act I of 1903, through the Labour Department. It will tend to meet the difficulties now experienced by planters, and will also assist the police and the magistrates in the speedy disposal of cases under the Act.

2. The procedure suggested appears to be an improvement over the present handslip system which is in use in this district, whereby a complainant is furnished with a slip by the Court issuing a warrant and is encouraged to make his own personal endeavours to trace out the absconding cooly or maistry and to help the police, in securing the absconder's arrest. If the suggestions now made are approved, the Labour Department may be able to do this in a more satisfactory manner. The existing system may, however, continue in the case of planters who are not members or subscribers of the United Planters' Association.

3. If the proposal is approved, I would also suggest that, as soon as a warrant is received, by the Labour Department and passed on to the police, intimation regarding its transmission to the police should be given by the officer of the Labour Department to the magistrate issuing the warrant, so that, the latter may be in a position to know where exactly the warrant is pending. Otherwise, the magistrate will have no means of knowing whether the warrant has reached the police at all, and he will be unable to adequately control the pendency of cases in his court by issuing reminders for the return of the warrants and so on. The Labour Department must, at the same time, see that such intimations reach the magistrates concerned *within a reasonable time.* If information regarding the action taken on the warrants by the Labour Department is not given to the magistrates *promptly*, and if the warrant is allowed to remain in the hands of the employees of the Labour Department for an indefinite period, it is probable that the proposed scheme will revive the evils of the old hand warrant system, which has been condemned by the High Court and Government.

4. Taking all things into consideration, I beg to suggest that the new scheme may be tried experimentally for one year.

XI

Letter—from L. Vibert, Esq., I.C.S., District Magistrate of Trichinopoly.
To—the Secretary to Government, Judicial Department.
Dated—the 6th July 1915.
No.—D. Dis. 520 O.M.

In reply to Government Memorandum No. 831 A-1, dated 1st May 1915, I have the honour to state that there were only nine such warrants in this district in the past three years and accordingly I have been unable to consult any local officer with actual experience of the difficulties alluded to. The procedure now proposed appears to be open to no objection, but it is not stated how the courts are to discriminate between subscribers to the United Planters' Association, Southern India and others.

XII

Memorandum No. 831 A-2, Judicial, dated 1st November 1915.

With a view to reducing the very large number of unserved warrants under the Workman's Breach of Contract Act, XIII of 1859, and the Madras Planters Labour Act, I of 1903, it is proposed to introduce the procedure indicated below. The Honourable the Advocate-General is requested to advise Government as to whether there is any legal objection to the same.

2. When a complainant under either of the Acts asks that a warrant applied for be forwarded through the Labour Department of the United Planters' Association of Southern India, the magistrate, after making out the warrant in the name of the District Superintendent of Police of the district in which the accused person is reported to be, will forward it to the Deputy Director of the Labour Department at Coimbatore.

3. Great care must be taken in preparing warrants to enter fully all necessary particulars. If the Deputy Director finds any warrant defective he should return it to the magistrate.

4. The Deputy Director having ascertained in what village the accused person is, will forward the warrant to the District Superintendent of Police with a request to endorse it to the station-house officer within the limits of whose station the village lies, sending copy of his letter to the magistrate. At the same time he will send a subordinate to the station to point out the accused person to the constable deputed to serve the warrant.

5. If the accused person is not found at the village named, but is reported to be within the limits of a neighbouring station, the station-house officer will endorse the warrant to the officer in charge of the station named, who will endeavour to effect the arrest with the assistance of the subordinate deputed by the Labour Department.

6. Should the District Superintendent of Police, after consultation with the Deputy Director, find himself unable to effect service of the warrant, he will return it to the Deputy Director, who will advise the magistrate of its receipt and take such further action as may appear to him to be necessary.

7. All warrants in the custody of the Deputy Director which have been for three months unserved shall be returned to the courts which issued them for cancellation. But the courts will be prepared to issue fresh warrants at any time on good cause being shown by the Deputy Director.

8. In cases in which application is not made for warrants to be sent to the Labour Department or in which the Deputy Director returns them on the ground that the complainants are not subscribers to the department, the existing procedure will continue.

9. The above rules will be put into force tentatively for one year in the first instance.

C. G. TODHUNTER,
Ag. Secretary to Government.

To the Government Solicitor.

XIII

Letter—from J. F. HALL, Esq., I.C.S., Additional District Magistrate of Malabar.
To—the Secretary to Government, Judicial Department.
Dated—Calicut, the 30th October 1915.
No.—R.O.C./1615 M.

I have the honour to invite the attention of Government to Mr. Innes' letter R.O.C. No. 1615/M., dated 8th May 1915, in reply to Government Memorandum No. 831-A-1, dated 1st May 1915, regarding the proposal of the Labour Department of the United Planters' Association of Southern India that all warrants for the arrest of absconding maistries and coolies should be served through that department, and to enquire whether orders from Government on the general question may be expected shortly and whether the orders which Mr. Innes proposed to issue (copies of which were submitted to Government) may now be issued.

XIV

Memorandum No. 831 A-3, Judicial, dated 8th November 1915.

With reference to his letter R.O.C. No. 1615/M., dated the 30th October 1915, the District Magistrate, Malabar, is informed that the question of issuing warrants against absconding maistries and coolies under the Planters Labour and Workman's Breach of Contract Acts through the Labour Department of the United Planters' Association of Southern India is now under reference to the Advocate-General and that orders on the subject will issue shortly. The District Magistrate is also informed that pending the issue of general orders on the question, the orders proposed by Mr. Innes need not be issued.

(By Order.)

E. A. HARVEY,
Under Secretary to Government.

To the District Magistrate, Malabar.

XV

Letter—from W. O. DAVID, Esq., Government Solicitor, Madras.
To—the Secretary to Government, Judicial Department.
Dated—the 15th November 1915.
No.—1362.

ABSTRACT.—Forwarding the following opinion of the Honourable the Advocate-General, dated 12th November 1915 :—

OPINION.

No. 690.

In re *Memorandum No.* 831*A*-2, *Judicial, dated* 1*st November* 1915.

I know of no legal objection to the procedure proposed to be adopted, as described in this memorandum.

F. H. M. CORBET,
Advocate-General.

Order—No. 101, Judicial, dated 12th January 1916.

It has been represented to the Government that the existing procedure under which (1) warrants issued for the arrest of defaulting maistries and labourers absconding from estates are sent by the issuing Magistrate first to the District Superintendent of Police who passes them on to the officer in charge of the police station within the limits of which the person to be arrested is believed or reported to be, and (2) warrants cannot be transferred from one police station to another without being endorsed at each transfer by the District Superintendent of Police, [redacted] enables the person for whose arrest the warrant is issued to obtain information of his impending arrest and to effect his escape and facilitates connivance at such escape on the part of the subordinate police; and further that the police do not evince the same degree of interest in executing the warrants as they do in ordinary criminal cases. The very large number of warrants left unexecuted under this procedure shows how unsatisfactory it is. The Governor in Council has carefully considered the representations made by the Labour Department of the United Planters' Association of Southern India and the reports of the District Magistrates concerned and is pleased to direct that the following procedure be adopted by Magistrates when issuing warrants under the Workman's Breach of Contract Act, XIII of 1859 and the Madras Planters Labour Act, I of 1903, for the arrest of maistries and labourers.

2. When a complainant under either of the above Acts asks that a warrant applied for be forwarded through the Labour Department of the United Planters' Association of Southern India, the magistrate, after making out the warrant in the name of the District Superintendent of Police of the district in which the accused person is reported to be, will forward it to the Deputy Director of the Labour Department at Coimbatore.

3. Great care must be taken in preparing warrants to enter fully all necessary particulars. If the Deputy Director finds any warrant defective, he should return it to the magistrate.

4. The Deputy Director, having ascertained in what village the accused person is, will forward the warrant to the District Superintendent of Police with a request to endorse it to the Station House Officer within the limits of whose station the village lies, sending a copy of his letter to the magistrate. The District Superintendent of Police should ordinarily forward the warrant to the Station-house officer by the hand of the agent of the Labour Commission who will point out the absconder.

5. If the accused person is not found at the village named, but is reported to be within the limits of a neighbouring station, the Station-house officer will endorse the warrant to the officer in charge of that police-station, who will endeavour to effect the arrest with the assistance of the subordinate deputed by the Labour Department.

6. Should the District Superintendent of Police, after consultation with the Deputy Director, find himself unable to effect execution of the warrant, he will return it to the Deputy Director who will advise the magistrate of its receipt.

7. All warrants in the custody of the Deputy Director which have been for three months unexecuted shall be returned to the courts which issued them for cancellation. The courts will no doubt be prepared to issue fresh warrants at any time on good cause being shown by the Deputy Director.

8. In cases in which application is not made for warrants to be sent to the Labour Department or in which the Deputy Director returns them on the ground that the complainants are not subscribers to the Department, the existing procedure will continue.

9. The procedure indicated above will, in the first instance, be put into force tentatively for one year from the 1st April 1916. The Inspector-General of Police and the District Magistrates of Malabar, the Nilgiris, Coimbatore, Trichinopoly, Madura and Salem will be requested to report in April 1917 how the system has worked during the year.

(True Extract.)

C. G. TODHUNTER,
Ag. Secretary to Government.

To all District Magistrates.
,, Inspector-General of Police.
,, Deputy Director of the Labour Department of the United Planters' Association of Southern India, Coimbatore.

Copy to the Director of the Labour Department of the United Planters' Association of Southern India, Bangalore.
,, ,, Hon'ble Mr. E. F. Barber.
,, ,, Legislative department.

Home (Judicial)Department.

Read G.O.No.101,Judicial,dated the 12th January 1916.

Draft Order.

In partial modification of paragraph 2 of the Government Order read above, the Government direct that warrants against persons residing in the places mentioned below, issued under the Workman's Breach of Contract Act, 1859, and the Madras Planters Labour Act,1903, be forwarded, when so required by the complainants, to the officers of the Labour Department of the U.P.A.of Southern India, noted against them. The duties imposed in paragraphs 3 to 8 of that order on the Deputy Director of the Labour Department shall also be discharged by these officers:-

Residence.	Officers to whom warrants should be forwarded.
Mysore State	Director of the Labour Department, United Planters' Association of Southern India, Bangalore.
South Canara District	Superintendent of the Labour Department, United Planters' Association of Southern India, Mangalore.
Other districts of the Presidency.	Deputy Director, Labour Department, United Planters Association of Southern India, Coimbatore.

G. R. S. 26]

Cls File No. 103-16
Serial No. 2

Diary No. of letter replied to .....

No. J 1381-9,
(2 Encls 4 cards)

General and Revenue Secretariat
( )
, the 191 .

To

The Dt Magistrates of Dts
The IG of Police

Sir.

Date of issue 26/Jan/16

Signed by Mr G. Srinivasa

I am directed to forward a copy of the proc of the Govt of Madras No. 101 Jud dt 12 Jan 1916 together with a copy of the order now proposed to be issued by them on the subject of the transmission of warrants under the Workmen's Breach of Contract Act, 1859 and the Madras Planters Labour Act, 1903 and to enquire whether there is any objection to the transmission of warrants

A

over.

SUBJECT.

(issued by Magistrates in the Madras Presidency) against masters + labourers residing in the Mysore State through the Labour Deptt. of the United Planters' Association of Southern India, Bangalore. I am also to request that information may be furnished, as to whether a similar procedure may be adopted in respect of warrants issued by Magistrates in Mysore under the Breach of Contract Act 1859.

The favour of a very early reply is requested.

I have &c

20/10

for Chief Secy

List of enclosures

20.10.16

Copied by

Examined by

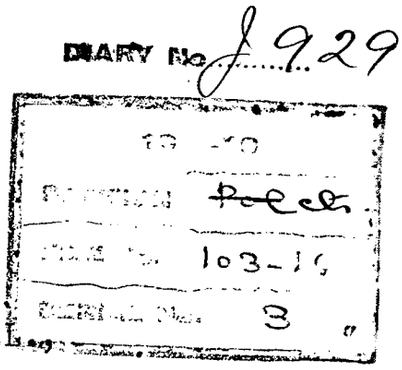
GPB—20,000—10-10- 4

o. H.C. 155 Judl.

Office of the District Magistrate,
Shimoga District.
Dated, Shimoga, the 31st October 1916.

From

A. Subramanya Iyer, Esquire, B.A.,
District Magistrate,
Shimoga District.



To

D.M. Narasinga Rao, Esquire, B.A.B.L.,
Secretary to the Government of Mysore,
General Department, Bangalore.

Sir,

With reference to your letter No:J.1381-9/Cts 103-16-2 dated the 26th Instant, I have the honour to state that there can be no objection to warrants issued under the Breach of Contract Act 1859 and the Madras Planter's Labour Act 1903 for the arrest of persons residing in the Mysore State being issued through the Labour Department of the United Planter's Association of Southern India. It is clear from the enclosures to your letter that the Department intercedes only in the cases of those who are subscribers to the Department., Should there be such subscribers in the State and the Department should consent to work for them, there can be no objection to warrants issuing from Courts within the State being similarly sent through the Labour Department.

I have the honour to be,
Sir,
Your most obedient servant,

Senior Assistant Commissioner,
In Charge of the District,
Shimoga.

K.M.M

GPB—50,000—17-9-15

1916-17.

NOV '91

From

The District Magistrate,

Shimoga District.

To

The Secretary to the Government,

General Department, Bangalore.

Dated 31st October 1916.

Despatched 2/11/16

Received

General No. H.C. 155 Judl
No.

Enclosure No.

Re the warrants for the arrest of persons for Breach of Contract.

D.O. No. 30 Final of 16-17 Office of the District Magistrate, Mysore Distt.

Dated, Mysore, 1st November 1916.

4th

From

K. Matthan, Esquire., B.A.,

District Magistrate, Mysore District.

DIARY No. J942

course

103-16

4

To

D.M. Narasinga Rao, Esquire., B. A., B.L.,

Secretary to the Government of His

Highness the Maharaja of Mysore,

General Department, BANGALORE.

Sir,

In reply to you No. J. 1381-9/Cts 103-16-2 dated 26th October 1916 enquiring whether there is any objection to the transmission of warrants under the Workmans' Breach of Contract Act, 1859 and the Madras Planters' Labour Act, 1903, issued by Magistrates in the Madras Presidency against Maistries and Labourers residing in the Mysore State, through the Director of the Labour Deptt: United Planters' Association of Southern India, Bangalore, when a complainant under -- either of the said acts asks that the said warrants should be so sent, I have the honor to state that I do not see any objection to adopting the procedure proposed in the above.

2. The same procedure may also be adopted in the case of -- warrants issued by the Magistrates in Mysore under the Breach of Contract Act XIII of 1859, if the complainants at whose instance they are issued so desire it.

I have the honor to be,

Sir,

Your most obedient servant.

K. Matthan

District Magistrate,

Mysore District.

K.M.

W.D. 0244—GPB—6,[illegible]0—19-5-16—S.

191

From 6 NOV 1916

The District Magistrate,
Mysore District.

To

The General Secretary to Govt.
Bangalore.

Dated 1st November 1916.

Despatched 4th

Received

General No. 30

No.

Enclosure No.

Furnishing opinion on the question of issuing of warrants under - Breach of Contract Act and Madras Labourers Act, by Magistrates in Madras Presidency through the Director of the Labour Deptt United Planters' Association of Southern India Bangalore.

District Magistrate's office,

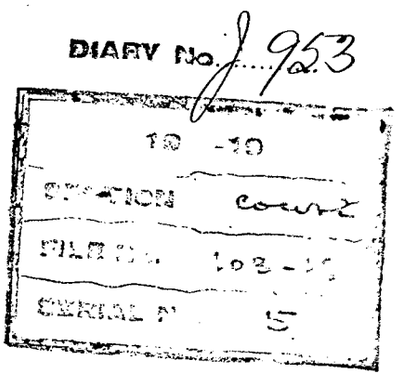
Kolar District,

Dated Kolar, the 3rd November 1916.

From

P. F. B O U R I N G, Esquire, J.P.,

District Magistrate, Kolar District.



To

D. L. Narasinga Rao, Esquire, B. A, B.L.,

Secretary to the Government of Mysore,

General Department, Bangalore.

Sir,

Adverting to your letter No.J.1381-9/Cts.103-16-2 dated 28th October 1916, forwarding a copy of the Proceedings of the Government of Madras No.101/Jud, dated the 12th January 1916, together with a copy of the order now proposed to be issued by them in the matter of the transmission of warrants under the Workmen's Breach of Contract Act 1859, and the Madras Planters' Labour Act 1903 and enquiring --- whether there is any objection to the transmission of warrants -- issued by Magistrates in the Madras Presidency against maistries and labourers residing in the Mysore State through the Labour Department of the United Planters' Association of Southern India, Bangalore, I have the honor to state that I find no objection to it.

2. I further beg to state that similar procedure may be adopted in respect of warrants issued by Magistrates in Mysore under the -- Breach of Contract Act, 1859.

I have the honor to be,

Sir,

Your most obedient servant,

District Magistrate,

Kolar District.

GPB—50,000– 17-9-15

GEN. 19

From 6 NOV 1916

The District Magistrate,
Kolar District.

To

The Secretary to the Govt. of
Mysore, Genl. Dept,
Bangalore.

Dated 3. 11. 1916

Despatched

Received

General No. D. Dis 572

No.

Enclosure No.

Furnishing opinion
on the subject of trans.
Mission of Warrants
under the Workmen's
Breach of Contract Act

Office of the Deputy Commissioner,

Tumkur District,

Dated Tumkur, the 8th November 1916.

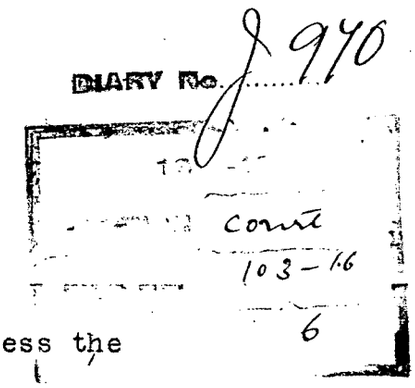
NOV 1916

From

K. Chandy, Esqr., B.A.,

Deputy Commissioner,

Tumkur District.



To

D.M. Narasinga Rao, Esqr., B.A., B.L.,

Secretary to the Government of His Highness the

Maharaja of Mysore, General Department,

Bangalore.

S i r,

In reply to your letter No. J 1381-9/cts. 103-16-2 dated 26th October 1916, forwarding copy of the order proposed to be issu--ed by the Madras Government directing the transmission of warrants under the Breach of Contract Act, against the Maistries and Labourers residing in this state, through the Labour Department United Planters Association Southern India, Bangalore, and enquiring whether I would have any objection for the adoption of that procedure by that Govern--ment, I have the honour to state that I do not approve of the propos--ed rules as they are liable to abuse and are likely to weaken the self-respect of the labouring classes.

2. In this connection I may add that it is necessary that a reciprocity should be arranged for early between the bordering -- British Presidency and our State in the matter of service of the -- warrants under this act.

3. As regards the introduction of the contemplated procedure with respect to the warrants issued by the Magistrates in this State also, I am not in favour of allowing them to pass through the Planter's Association at Bangalore for reasons stated by me in para 1 supra.

I have the honour to be,

S i r,

Your most obedient servant,

K Chandy

DEPUTY COMMISSIONER,
TUMKUR DISTRICT.

N.B.R.

GPB—50,000—17-9-15

19 16-17.

From

The Deputy Commissioner,

Tumkur District.

To

The Secretary to Government of Mysore, General Department, Bangalore.

Dated 8th November 1916.

Despatched

Received

General No. D.Dis 516 of 16/17

No.

Enclosure No.

Relating to the transmission of warrants under the Breach of Contract Act, against the Maistries and Labourers residing in this state, --- through the Labour Dept., United Planters Association Southern India, Bangalore.

Deputy Commissioner's Office, Hassan District.

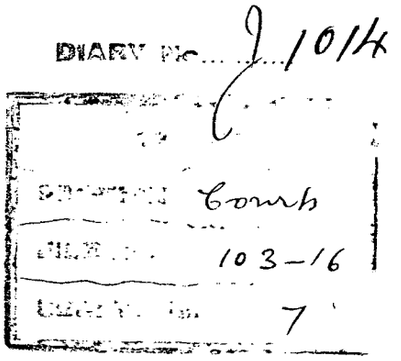
Dated Hassan, 13th November 1916.

From,

K.Krishna Iyer,

Deputy Commissioner,

Hassan District.



To,

D.M.Narasinga Rao, Esquire, B.A., B.L.,

Secretary to the Government of

H.H.the Maharaja of Mysore,

General Department,

Bangalore.

Sir,

With reference to your letter No.J.1381-9/Cts.103-16-1 dated 26 th. October 1916 on the subject of transmission of warrants under the workmen's Breach of Contract Act 1859, and the Madras Planters' Labour Act of 1903, for execution to the Police through Officers of the Labour Department, United Planters' Association of Southern India, I have the honor to state that this procedure is likely to lead not only to divided responsibility between the Officers of the Labour Department and the Police, but also to a great deal of friction between the two, which is not considered desirable in the interests of the planting community itself. Besides, this measure, even if successful, will be of partial utility as the great majority of the planters in Mysore are Indians and not members of the United Planters' Association and as such not to be benefited by it.

I have the honor to be,

Sir,

Your most obedient servant,

K. Krishna Iyer

Deputy Commissioner,

Hassan District.

W.D. 0241—GPB—6,00,000—19-5-16—S.

15 NOV 1916

1916-17.

From

K.Krishna Iyer, Esquire,
Deputy Commissioner,
Hassan District.

To

D.M.Narasinga Rao, Esquire, BA., BL.
Secretary to the Government of
H.H.the Maharaja of Mysore,
General Department
Bangalore.

Dated 14th November 1916.

Despatched

Received

General No. Dis 73.

No.

Enclosure No.

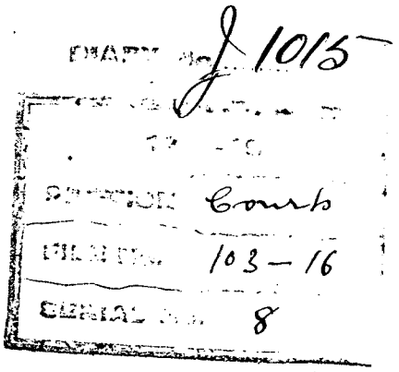
S U B J E C T.

Furnishing information on the Subject of hamanis of warrants under the work-men's Breach of Contract Act. 1859 and the Indian Penal Code & Act

Office of the Deputy Commissioner,
and District Magistrate Kadur District,
Dated Chikamagalur 13th November 1916.

From

B.Ramaswamaiya Esq.,B.A.,B.L.,
District Magistrate,
Kadur District.



To

D.M.Narasinga Rao Esq.,B.A.,B.L.,
Secretary to Government,General Department,
Bangalore.

Sir,

Adverting to your letter No.J.1381/cts 103-16-2 dated 26th October 1916 forwarding copy of the Proceedings of the Government of Madras No.101 Judl dated 12th January 1916,together with a copy of the order now proposed to be issued by them on the subject of the transmission of Warrants under the Workmen's Breach of Contract Act 1859 and the Madras Planters' Labour Act 1903,and enquiring whether there is any objection to the transmission of the Warrants issued by the Magistrates in the Madras Presidency against Maistries and labourers residing in the Mysore State, through the Labour Department of the U.P.A. of Southern India, Bangalore,and calling for information as to whether a similar procedure may be adopted in respect of Warrants issued by the Magistrates in Mysore under the Breach of Contract Act 1859,I have the honor to state that there does not appear to be any objection to the order now proposed to be issued for the transmission of Warrants.

A similar procedure may also be adopted in respect of warrants issued by the Magistrates in Mysore under the Breach of Contract Act 1859.

It is however noted that this procedure has to be adopted only when the complainant applies for it, and that otherwise the existing procedure will continue.

I have the honor to be
Sir,
Your most obedient servant,

District Magistrate,
for Kadur District.

W.D. 6244—GPB—6,00,0 19-5-16—S.

5 NOV 1916 1916-17

From The District Magistrate Kadur Dist

To The Secretary to Govt. General Dept

Dated 13th Nov: 1916

Despatched 14th

Received

General No. H.O.6. 562 / 16-17.
No.

Enclosure No. nil.

States there is no objection to the order now proposed to be issued for the transmission of warrants under the Work Men's Breach of Contract Act & Madras Planters' Labour Act.

Ref on Co No 139 part of 16-17.
(H.O)

Office of the District Magistrate.

Chitaldrug District.

Dated Chitaldrug, 25th November 1916.

26

From

C. S. Balasundaram Iyer Esquire B.A.,

District Magistrate,

C H I T A L D R U G.

DIARY No. J.1123

SECTION Courts

FILE 103-16

SER... 9

To

D. M. Narasinga Rao Esquire B.A.,B.L.,

Secretary to the Government of

H. H. the Maharaja of Mysore,

General Department, Bangalore.

S I R,

Adverting to your letter No.J.1381-9/Cts.103-16-2 dated 26th ultimo, calling for my opinion on the subject of transmission of warrants under the workmen's Breach of Contract Act 1859 through the Labour Department of the United Planter's Association of Southern India, Bangalore, I have the honor to state that there does not seem to be any objection to the procedure ~~suggested so~~ far as the warrants issued by Magistrates in the Madras Presidency against maistries and laborers residing in the Mysore State.

It seems to me that a similar procedure may also be adopted in respect of warrants issued by Magistrates in Mysore under Act XIII of 1859. So far as this District is concerned, there are no European Planters here and the other employers of laborers in this District are not likely to be connected with the Labour Department of the United Planter's Association, Southern India.

I have the honor to be,

S I R,

Your most obedient servant,

District Magistrate,

Chitaldrug District.

BSR

GPB—50,000—17-9-15

1916-17

From The District Magistrate
Chitaldrug District

To The Secretary to the Govt of
H.H. the Maharaja of Mysore
General Department
Bangalore.

Dated

Despatched

Received 139

General No. Confl. No. 4 of 1916 17.
No.

Enclosure No.

Furnishing opinion on the Subject of transmission of warrants under the Workmen's Breach of Contract Act 1859 through the Labour Dept of the United planter's association of Southern India, Bangalore.

No. 321

Office of the Deputy Commissioner,
Bangalore District.
Dated Bangalore, 24th November'16.

25

DIARY No. J.1124

From

K.R.Srinivasa Iyengar, Esq., M.A.,
District Magistrate,
Bangalore District.

Court
103-16
10

To

D.M.Narasinga Rao, Esq., B.A., B.L.,
Secretary to the Government of H.H.
the Maharaja of Mysore, General Department.

Sir,

With reference to your letter No.J.1381-9/Cts.103-16-2 dated 26th October 1916 enquiring whether there is any objection to the transmission by Magistrates of the Madras Government of warrants under the Breach of contract Act of 1859 and Madras Planters Labour Act of 1903, through the Labour Department of the United Planters Association of Southern India and whether the same procedure may be adopted in Mysore in respect of warrants under the Breach of Contract Act, I have the honor to state that the object aimed at in sending such warrants through the Labour Department seems to be to enable the complainant or somebody else on his behalf to accompany the officer entrusted with the warrant with a view to trace and identify the accused and thereby secure his prompt arrest. This object can well be achieved by the simpler method of instructing all Magistrates to hand over the warrants in such cases to the complainant himself or to some other person named by him, who might be an agent of the Labour Department or any body else ~~Warrant~~ to be handed over to the Police Officer to whom the warrant is addressed. The Police Officer may then take such person with him to help him in tracing and -- identifying the accused. If this procedure is followed, I fail to see the necessity for the services of the Labourt Department being requisitioned for the apprehension of the accused

under

under the above acts.

I have the honor to be,

Sir,

Your most obedient servant.

District Magistrate,
Bangalore District.

L.S.R.
1.

No 3075
289

OFFICE OF THE
INSPECTOR GENERAL OF POLICE IN MYSORE.

Bangalore, dated 4th Jan 1917.
8

Encls.

J 1471

5 JAN 1917

From

RAJASABHABHUSHANA
DIWAN BAHADUR C. SRIKANTESVARA AIYAR, B.A., B.L.,
Inspector General of Police in Mysore.

103-16

GEN. & REV. SECRETARIAT
I.I
JUDICIAL
10 JAN 1917

To

D... M. Narasinga Rao Esquire, B.A.B.L.,
Secretary to the Government of His Highness
the Maharaja of Mysore, General Department.

Sir,

With reference to your letter No.J.1381-9 Cts. 103-16-2 dated 26th October 1916, calling for my opinion in the matter of transmission of warrants under the Breach of Contract Act issued by Magistrates in the Madras Presidency against Maistries and Labourers residing in the State through the Labour Department, United Planters Association, Southern India, Bangalore, I have the honor to state that the procedure may be adopted tentatively, as an experimental measure as I understand has been ordered in the Presidency of Madras, to see if it will work more advantageously than at present.

2. I am also agreeable to a similar tentative procedure being adopted in regard to the warrants issued by the Magistrates of the State.

I have the honor to be,
sir,
Your most obedient servant,

Asst. to the Inspector General of Police
for Inspector General of Police.

G. R. S. 26]

REV. SECRETARIAT
TYPING SEC.
1 FEB 1917

Diary No. of letter replied to .....

File No. 603-16
Serial No. 12

No. Pol. 921

General and Revenue Secretariat
( )
, *the* 191 .

Date of issue 10th March 1917

Signed by [illegible]

To

The H. A. Resident

Sir

With reference to your letter No 65828 16 Sep 1916 I am directed to state that the Durbar have no objection to the transmission of warrants against maistris and labourers residing in Mysore through the Labour Department of the United Planters' Association of Southern India, Bangalore, to the Police. I am to request that the final orders of the Madras Govt. may kindly be intimated to the Durbar for com-

over.

SUBJECT.

No. 7539 Part I

No. 4775

FROM

MAJOR E. H. S. JAMES,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

103-16
13

Pol-4
3.10.17

TO

The Secretary to the Government of
His Highness the Maharaja of Mysore,
General Department.

GEN. & REV. SECRETARIAT
III
JUDICIAL
4 OCT 1917

Dated Bangalore, 2nd October 1917.

SIR,

With reference to the correspondence ending with your letter No. 921 Pol., dated the 10th February 1917, regarding the transmission of warrants against maistries and labourers residing in Mysore through the Labour Department of the United Planters' Association of Southern India to the Police, I am directed to forward a copy of the Proceedings of the Madras Government No. 1074, Home (Misc.), dated the 21st September 1917.

I have the honour to be,
Sir,
Your most obedient servant,

First Assistant Resident.

CRS

Government Order No.1074, dated the 21st September 1917, of the Government of Madras, in the Home (Miscellaneous) Department.

Read the following papers:-

I. Letter to the Hon'ble the Resident in Mysore No.297-1, Home (Misc) dated the 8th September 1916.

II. Letter from the Hon'ble the Resident in Mysore No.2226, dated the 22nd March 1917.

O r d e r:-

The Government have after careful consideration of the reports of the Inspector General of Police and the District Magistrates concerned decided that the procedure sanctioned in G. O. No.101 Judicial, dated the 12th January 1916, in regard to the issue of warrants under the Workman's Breach of Contract Act, 1859, and the Madras Planters Labour Act, 1903, for the arrest of maistries and labourers should be continued until further orders with certain modifications mentioned below. The Inspector General of Police and the District Magistrates of Malabar, the Nilgiris, Coimbatore, Trichinopoly, Madura and Salem are requested to report in July 1918 how the system has worked during the period.

2. When a complaint under either of the above Acts asks that a warrant against a person residing in any of the places mentioned below be forwarded through any of the officers of the Labour Department of the United Planters Association of Southern India noted below the Magistrate after making out the warrant in the name of the District Superintendent of Police of the District in which the accused person is reported to be, will forward it to the Officer concerned of the United Planters Association.

Residence.	Officers to whom warrants should be forwarded.
Mysore State.	Director of the Labour Department United Planters Association of Southern India, Bangalore.

South

South Kanara District.	Superintendent of the Labour Department, United Planters Association of Southern India, Mangalore.
Other Districts of the Presidency.	Deputy Director of the Labour Department, United Planters Association of Southern India, Coimbatore.

3. The powers vested in paragraphs 3 to 8 of G. O. No101 Judicial dated the 12th January 1916, in the Deputy Director of the Labour Department shall be exercised by the above-mentioned officers of the Association.

4. Magistrates issuing warrants under either of the above Acts for serive in the Mysore State should enter on the face of the warrants the amount of dieting fees forwarded to the Court and the date of receipt of the amount.

* *

* *

" C O P Y ".

Registrar,
Resident's Office.

G. R. S. VI—G/32]

SUBJECT Execution of warrants issued under the Breach of Contract Act & the Planters Labour Act

Diary No. of letter replied to J 775

Fair Draft

Section Courts
File No. 103-16
Serial No. 14

GENERAL AND REVENUE SECRETARIAT,
(Courts)
, the 191

No.

Date of issue 22/1/18

Signed by M. G. Srinivasa

(1) Order no 101, Judicial dt 12-1-1916 of the Govt of Madras, in regard to the execution of warrants under the Workmen's Breach of Contract and the Planters Labour Acts

[Extracts indicated in the margin to be typed]

from para 2 of the G.O. to the end.

Enclosure to P.S.D.

(2) Order no 1074 dt 21-9-17 of the Govt of Madras in the Home (Miscellaneous) Dept modifying paragraph 2 of the order of 12-1-16

[Extracts to be entered as indicated in the margin]

Type these from para 2 read Revise & letter in para 2 marked by Govt Council

Memo. 2736-44

Extracts [illegible] forwarded to all District Magistrates and the I.G. of Police for information

over.

May this be
i. printed
ii treated as S.O
iii Published in the Gazette Eng Part.
iv translated
v Placed at the disposal of the Press.
vi Published in the Gazette Kannada Part?

with a request that they will issue necessary instructions to Subordinate magistrates and Police in their respective districts.

2. As regards warrants issued by the Magistrates in Mysore under the Breach of Contract Act, where the complainant asks that the warrant against the person in Mysore be forwarded through the Labour Dept of the United Planters Association, Southern India, the magistrate after making out the warrant in the name of the Amildar of the Taluk in which the accused person is reputed to be, he may will forward it to the Director of the Labour Dept, U.P.A.S.I. The procedure prescribed in the order of the Madras Govt shall also be observed here in the subsequent stages.

List of enclosure

21/12/17

By order

Copied by

21/12 Chief Secy to Govt

Examined by

WD 86—GPB—60,000—15-11 16

21/12

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

Memo No. J. 2736-44—Cts. 103-16-14, dated 22nd January 1918.

Execution of Warrants.

—— under the Workmen's Breach of Contract and the Planters' Labour Acts.

W D A1619—GPB—22-2-18—255

No. J. 2736-44—Cts. 103-16-14, dated 22nd January 1918.

Order No. 101—Judicial, dated 12th January 1916 of the Government of Madras, in regard to the execution of warrants under the Workmen's Breach of Contract and the Planters' Labour Acts.

* * * * *

2. When a complainant under either of the above Acts asks that a warrant applied for be forwarded through the Labour Department of the United Planters' Association of Southern India, the magistrate, after making out the warrant in the name of the District Superintendent of Police of the district in which the accused person is reported to be, will forward it to the Deputy Director of the Labour Department at Coimbatore.

3. Great care must be taken in preparing warrants to enter fully all necessary particulars. If the Deputy Director finds any warrant defective, he should return it to the magistrate.

4. The Deputy Director, having ascertained in what village the accused person is, will forward the warrant to the District Superintendent of Police with a request to endorse it to the Station-house officer within the limits of whose station the village lies, sending a copy of his letter to the magistrate. The District Superintendent of Police should ordinarily forward the warrant to the Station-house officer by the hand of the agent of the Labour Commission who will point out the absconder.

5. If the accused person is not found at the village named, but is reported to be within the limits of a neighbouring station, the Station-house officer will endorse the warrant to the officer in charge of that Police Station, who will endeavour to effect the arrest with the assistance of the subordinate deputed by the Labour Department.

6. Should the District Superintendent of Police, after consultation with the Deputy Director, find himself unable to effect execution of the warrant, he will return it to the Deputy Director who will advise the magistrate of its receipt.

7. All warrants in the custody of the Deputy Director which have been for three months unexecuted shall be returned to the courts which issued them for cancellation. The courts will no doubt be prepared to issue fresh warrants at any time on good cause being shown by the Deputy Director.

8. In cases in which application is not made for warrants to be sent to the Labour Department or in which the Deputy Director returns them on the ground that the complainants are not subscribers to the Department, the existing procedure will continue.

(2) Order No. 1074, dated 21st September 1917, of the Government of Madras in the Home (Miscellaneous) Department, modifying paragraph 2 of the order of 12th January 1916.

2. When a complainant under either of the above Acts asks that a warrant against a person residing in any of the places mentioned below be forwarded through any of the officers of the Labour Department of the United Planters' Association of Southern India noted below, the magistrate after making out the warrant in the name of the District Superintendent of Police of the district in which the accused person is reported to be, will forward it to the officer concerned of the United Planters' Association.

Residence.	*Officers to whom warrants should be forwarded.*
Mysore State.	Director of the Labour Department, United Planters' Association of Southern India, Bangalore.

* * * * *

3. The powers vested in paragraphs 3 to 8 of Government Order No. 101—Judicial, dated the 12th January 1916, in the Deputy Director of the Labour Department, shall be exercised by the abovementioned officers of the Association.

4. Magistrates issuing warrants under either of the above Acts for service in the Mysore State should enter on the face of the warrants the amount of dieting fees forwarded to the court and the date of receipt of the amount.

* * * * *

No. J. 2736-44—Cts. 103-16-14, dated 22nd January 1918.

Memo No. J. 2736-44 / Cts. 103-16-14

Government of H. H. the Maharaja of Mysore,
General and Revenue Secretariat,
Dated 22nd January 1918.

Extracts forwarded to all District Magistrates and the Inspector-General of Police for information and with a request that they will issue necessary instructions to subordinate magistrates and police.

2. As regards warrants issued by the magistrates in Mysore under the Breach of Contract Act, when the complainant asks that the warrant against the person in Mysore be forwarded through the Labour Department of the United Planters' Association, Southern India, the magistrate after making out the warrant in the name of the Amildar of the taluk in which the accused person is reported to be residing, will forward it to the Director of the Labour Department, United Planters' Association of Southern India. The procedure prescribed in the order of the Madras Government shall also be observed here in the subsequent stages.

By Order,
C. S. BALASUNDARAM IYER,
Chief Secretary to Government.

Exd.—c. r.